

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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METLIFE LIFE AND ANNUITY COMPANY
OF CONNECTICUT,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Plaintiff,

07CIV 7215
(KARAS,J)

-against-

ANSWER

ANA NICOLE DELIO; ZACHARY FARRELL
SOBIE; BRIAN SOBIE, individually, as TRUSTEE
Of the ZACHARY FARRELL SOBIE GRANDCHILD
TRUST, and as CO TRUSTEE of the ANA NICOLE
DELIO GRANDSCHILD TRUST; and MICHAEL
MENDELSON as CO TRUSTEE OF THE ANA
NICOLE DELIO GRANDCHILD TRUST

Defendants

-----X

DEFENDANT, ANA NICOLE DELIO, by her attorney, JAMES R. CARCANO
ESQ., alleges for her ANSWER to Plaintiff's Complaint:

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "1," "3," "4," "5," "8," "9," "10," "11," "13," "14," "16," "19," "20" of the Complaint.
2. Plaintiff respectfully refers all questions of law raised in paragraphs "6" and "7" of the Complaint to the Court for its determination.
3. Denies the allegations contained in paragraph "12" of the Complaint except denies knowledge or information sufficient to form a belief as to the proceeds becoming payable under the Contract.

4. Denies knowledge or information sufficient to form a belief as to the allegations alleged in paragraph "17" and "18" of the Complaint and refers all questions of law to the Court for its determination.

ANSWERING THE CROSS-CLAIM OF SOBIE DEFENDANTS

5. Plaintiff denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "4," "5," "6," and "8" of defendants' Cross-Claim.
6. Plaintiff respectfully refers all questions of law raised in paragraph "7" of defendants' Cross-Claim to the Court for its determination.

DEFENDANT'S FIRST AFFIRMATIVE DEFENSE

Both the Complaint and Cross-Claim fail to state a cause of action upon which relief can be granted.

DEFENDANT'S SECOND AFFIRMATIVE DEFENSE

Defendant SOBIES' Cross-Claim is barred by the doctrine of Laches.

DEFENDANT'S THIRD AFFIRMATIVE DEFENSE

Defendant SOBIES' Cross-Claim is barred by the doctrine of Fraud.

DEFENDANT'S FOURTH AFFIRMATIVE DEFENSE

Defendant SOBIES' Cross-Claim is barred by the Statute of Limitations.

DEFENDANT'S FIFTH AFFIRMATIVE DEFENSE

Defendant SOBIES' Cross-Claim is barred by the New York State Insurance Law.

WHEREFORE, Plaintiff demands judgment of this Court as follows:

1. Dismissing Plaintiff's Complaint;
2. Dismissing Defendant SOBIES' Cross-Claim;
3. Such other and further relief as this Court deems just and proper.

Dated: Larchmont, New York
October 5, 2007

Yours etc.

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TO: PATRICIA CURRAN REINHARDT, ESQ.
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